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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,755	04/02/2004	Masao Takeshima	0505-1291PUS1	9963
2292	7590	10/06/2005		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER ENGLE, PATRICIA LYNN	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,755

Applicant(s)

TAKESHIMA, MASAO

Examiner

Patricia L. Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23,24 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23,24,26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indent is indented lower than the coupling arm (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-20, 33-36 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for providing an indent and coupling arms, does not reasonably provide enablement for the indent being indented lower than the coupling arms. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. How is the indent lower than the coupling arms?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki (US Patent 4,619,476) in view of Lin (US 2004/0026949 A1, filed on Aug. 9, 2002).

Regarding claims 1, 13, 21 and 24, Kawasaki discloses a structure of a storage section for a saddle-ridden type vehicle (1) comprising: a storage indent (15) indented downwardly from an opening (Fig. 3) provided on an inclined plane portion (12) of a fender (12) that covers a wheel (4); and a lid (18) that opens and closes the opening of the storage indent and is swingably provided on the inclined plane portion (12) of the fender. Regarding claims 2 and 14, Kawasaki discloses the structure of a storage section for a saddle-ridden type vehicle as disclosed in claim 1, wherein the storage indent is integrally molded with the fender (Fig. 3). Regarding claims 23 and 26, Kawasaki discloses the structure of a storage section for a saddle-ridden type vehicle according to claim 21, wherein the storage indent is applied to a front fender portion.

Kawasaki does not disclose a coupling arm.

Lin discloses a structure of a storage section for a vehicle with a storage indent and a lid covering the storage indent and a coupling arm for swingably mounting the lid.

Kawasaki and Lin are analogous art because they are from a similar problem solving area, i.e., providing storage with pivotal lids on motorized vehicles.

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the lid of Kawasaki with a coupling arm. The motivation would have been to pivotally mount the lid in a stable manner.

Regarding claims 3, 4, 15, 16 and 36, Kawasaki as modified does not disclose the details of the container, however, Fig. 3 shows an indent around the edge of the periphery of the opening. Kawasaki does not disclose a seal on the lid (18). The Examiner takes Official Notice that it is well known to provide a space for a seal around a periphery of an opening and to mount the seal on the lid for the opening. It would have been obvious to one of ordinary skill in the art

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at the time of the invention to provide a seal for the lid of the storage compartment of the saddle-ridden type vehicle of Kawasaki. The motivation would have been to allow storage of water and dirt sensitive items in the storage compartment while using the vehicle in the rain or off-road.

Regarding claims 5, 6, 17 and 18, Kawasaki as modified disclose a dividing wall portion along the periphery of the edge of the opening (15e, Fig. 3).

Regarding claims 7 and 19, Kawasaki as modified does not disclose that the storage container could be made of separate pieces. Kawasaki does disclose that the lid is supported on the fender. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the storage indent body a separate from the fender, since it has been held that constructing formerly integral structures in various elements only involves routine skill in the art.

7. Claims 12, 22, 21, 23, 24 and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Lin as applied to claims 1-7, 13-19 above, and further in view of Bettin (US Patent 6,533,339).

Kawasaki as modified discloses the structure of claims 1-7, 13-19, 21 and 24.

Kawasaki as modified do not disclose that the structure is mounted over the left front wheel.

Bettin discloses a storage structure which is formed as part of the fender which is mounted over the left front wheel wherein the opening is directed rearward in the longitudinal direction of the vehicle.

Kawasaki as modified and Bettin are analogous art because they are from a similar problem solving area, i.e., providing storage on saddle-ridden type vehicles.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to mount the storage structure of Kawasaki as modified on a vehicle of Bettin as it would merely involve the alternate utilization of an equivalent storage means to achieve the same exact function.

Therefore, it would have been obvious to combine Bettin with Kawasaki to obtain the invention as specified in claims 12, 21-24.

Regarding claims 27, 30 and 33, the arrangement of Kawasaki and Bettin would have the back portion lower than the front portion.

Regarding claims 28, 31 and 34, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the storage indent adopt an approximately rectangular shape and has a chamfered formed on a side front portion.

Regarding claims 29, 32 and 35, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the shape of the coupling J-shaped and to pass the coupling arms extend through penetrating holes formed a peripheral indent portion of the fender. The motivation would have been to use coupling arms that don't take up a lot of space and that don't use space in the storage indent.

8. Claims 8-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Lin as applied to claims 1-7, 13-19, 21, 23, 24 and 26 above, and further in view of Lemmen (US Patent 6,062,623).

Kawasaki as modified discloses the structure of a storage section for a saddle ridden type vehicle as disclosed in claims 3, 5 and 15. Kawasaki does not disclose that the lid includes a spring biasing the lid open (claims 10 and 11). Lemmen discloses a lid for an opening which

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includes a coupling arm portion (31) extending from the lid and a spring (90) biasing the lid open attached to the swing movement support portion (17) on the vehicle body portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a coupling arm portion and a spring bias to the lid mechanism of Kawasaki. The motivation would have been to allow the lid to be pivoted open and closed on the fender.

Response to Arguments

9. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

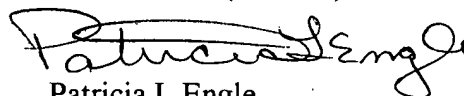
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Engle whose telephone number is (571) 272-6660.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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September 28, 2005